THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24710 of 2006

Dated: 29-11-2006

Between:

Khusru Ahmed.

..... PETITIONER

AND

The Chief General Manager, APCPDCL,
Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24710 of 2006

ORDER:

The petitioner is availing power supply at his premises bearing No.13-5-149/2 vide service No.L4-16421/III. DE/DPE/RR inspected the petitioner's premises on 05-08-2005 and found certain incriminating circumstances by which respondent No.3 came to the conclusion that the petitioner resorted to pilferage of energy. Therefore, power supply was disconnected and the petitioner was arrested. Respondent No.3 also issued a provisional assessment notice/order on 10-08-2005 calling upon the petitioner to pay a sum of Rs.1,30,390/- being provisionally assessed value of the energy pilfered and gave option to him to pay half of the amount and avail restoration of power supply besides making a representation to the assessing officer, namely, respondent No.2. After issuing show-cause notice, respondent No.2 passed orders on

12-05-2006 reducing the value of the pilfered energy to Rs.72,927/-. The petitioner then approached respondent No.1 by way of appeal, which was dismissed on 07-09-2006. In this writ petition, the petitioner does not specifically challenge the order of respondent No.2 as confirmed by respondent No.1, but he seeks a direction to the respondents to permit him to pay the value of the pilfered energy in installments at Rs.1,000/-per month and restore power supply to him.

The learned counsel for the petitioner reiterated the petitioner's position as disclosed in the pleadings. **Opposing** the writ petitioner, the learned standing counsel for APCPDCL submits that the power to permit the payment of amount due in installments is conferred on the competent authority as per Condition 8.2.3 of the General Terms and Conditions of Supply read with Regulation 4.6 of the Andhra Pradesh Electricity Regulatory (Electricity Supply Code) Regulation, 2004.

The petitioner has straight away approached this Court seeking a Mandamus directing the respondents to permit the petitioner to pay the amount in installments. Such a direction cannot be issued by this Court. Having regard to the legal position referred to hereinabove, the petitioner has to approached respondent No.1 for necessary permission and obtain restoration of power supply.

The writ petition is misconceived and the same is dismissed with the above observations. No costs.

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(**V.V.S.RAO, J**)

29th November, 2006
ghn